

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
November 21, 2000

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, November 21, 2000, in the Board Room, York Hall, by Chairman Walter C. Zaremba.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Donald E. Wiggins, James S. Burgett, and Melanie L. Rapp.

Also in attendance were Daniel M. Stuck, County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor Walter C. Johnson, Zion Prospect Baptist Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Zaremba led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation (VDOT), appeared before the Board to discuss highway matters of interest to the Board of Supervisors. He reported that Mr. Jimmy Hamrick, Assistant Resident Engineer, was retiring and that Mr. John Mazur would be taking over Mr. Hamrick's position.

Miss Rapp asked when the synchronization of the lights on Route 17 would take place.

Mr. Elliott stated it would happen in the next few months.

Mr. Wiggins thanked VDOT for assisting the Drainage Committee. He asked about street name signs the County had made for the Route 17 signal mast arms and when they would be installed.

Mr. Elliott stated the signs would soon be installed; the Department was working on how the installation would be paid for.

Mr. Wiggins mentioned advertisements and signs that mysteriously appear on roadway signs and utility poles and the difficulty in getting them removed. He asked if volunteers were allowed to remove the signs.

Mr. Elliott stated the signs, if in the VDOT right-of-way, would have to be removed by an official of VDOT, law enforcement, the County's Code Compliance Division, or other groups who had been duly appointed to remove the signs. The Adopt-A-Highway program participants also have the authority to remove the signs.

Mrs. Noll asked Mr. Elliott to check Church Street for potholes.

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Mr. Burgett thanked VDOT for sending him a copy of the paving schedule. He stated he was excited to see that Carraway Terrace, Riverside Drive, and other roads he had mentioned were on the schedule.

Chairman Zaremba referenced the Aviation World's Fair to take place at the Newport News-Williamsburg International Airport, and he asked about VDOT's role in traffic control since 1 million people were expected to attend.

Mr. Elliott stated the Department usually takes a very active role in planning for traffic in such events and would provide assistance as needed.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

The scheduled appointee to the Parks and Recreation Advisory Board, Mr. Michael Mason, did not appear at this time.

ANNUAL FINANCIAL REPORT FOR FY2000

Mr. Rena Gyorke, Manager, Witt, Mares & Company, PLC, presented the FY00 Comprehensive Financial Statement. She indicated the firm's function was to provide an unqualified opinion based upon its audit of the financial statements, and she stated the financial position of the County fairly presented the County's financial position and results of its operations in accordance with generally accepted accounting principles. She stated the audit had been completed in accordance with government operating procedures, and reports were issued on compliance and internal controls. There were no reportable conditions, and there were no findings or questions to report. She expressed her appreciation to Mr. McReynolds, Mrs. Kirish, and their staff for the assistance and cooperation provided during the audit.

CITIZENS COMMENT PERIOD

Mr. Clyde Jonas, 115 River Point Drive, spoke regarding a flyer he and his neighbors had received asking for the resignation of Miss Rapp during her campaign endeavors. He stated he felt she should not resign and expressed his support for her election to the House of Delegates. He stated he felt she had done a good job for his district.

Mr. Scott Williams, 203 Robin Hood Drive, also spoke in favor of Miss Rapp to become the representative of the 96th District. He mentioned the flyer that was circulated asking for Miss Rapp's resignation and stated he was against the flyer and everything it stood for. He mentioned how she had been very supportive of his homeowners' association, and he appreciated her help.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett discussed the seminar he and other staff members attended in Roanoke on environmental issues and their impact on local government. He explained the seminar was pre-

sented by the City of Roanoke as the result of a settlement involving an environmental enforcement action brought by the Environmental Protection Agency against the city.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. Stuck spoke on the County's request that VDOT widen the segment of Route 171 between Route 134 and Route 17. He stated VDOT was in the process of adding some additional turning lanes at the Route 17/171 intersection, but that would not alleviate the congestion problems. He reported on discussions with prospective developers in that area, concerning the need to construct the third lane and put in the right-in/right-out access points to their properties. The developers indicated they felt it was too expensive to construct these improvements, so he had suggested that they consider contributing private money to get the project done through the VDOT Revenue Sharing Program. The developers were quite excited to hear that, so staff may bring a proposal to the Board at some point before next year's Revenue Sharing Program. Mr. Stuck then reviewed a package of information containing the State's financial condition which was given to the Senate Finance Committee at a briefing held recently in Williamsburg. He also spoke of the meeting he attended recently regarding the feasibility study on the Convention Center that was funded jointly by Williamsburg, York County, James City County, the private sector, and the Hotel-Motel Association. The localities will continue to work on that project looking at the feasibility of a scaled down, less costly center. The Board will probably be asked to fund a small portion of a second analysis for a smaller center. He then announced the resignation of Mr. Steve Linthwaite, Fleet Manager, who has almost ten years of County service. He also reminded the Board of its joint work session with the School Board to be held on November 28th at 6:30 p.m. in the library at Grafton High School.

MATTERS PRESENTED BY THE BOARD

Miss Rapp reported attending a homeowner's' meeting at Meadowlake Farms at which the homeowners expressed their appreciation for the assistance they received from Jim Orband, Horticulture Extension Agent, Virginia Cooperative Extension Office. He helped them with their drainage pond and their need to update it with the right plants. She also reported that the Tabb High School Ecology Club has taken it on as project, and she encouraged other schools to do the same.

Mr. Wiggins stated he had received many phone calls regarding the Dare Marina expansion project. He indicated the Board could only supply the Zoning Administrator with its thoughts on the project, but it was not able to approve or disapprove the application. He stated the Dare Marina had the right to build an eating establishment at the marina. He stated a decision had not been made yet by the Zoning Administrator. He reported that the Drainage Committee would meet again in January, 2001, and he would be working with the staff to prioritize the most troubled areas. He announced he would have a meeting at the Public Safety Building on Goodwin Neck Road and encouraged the citizens of his district to attend.

Mrs. Noll mentioned she had been out of town recently traveling with her grandchildren who are a part of the Virginia Beach Choir and were invited to Rome to sing for the Pope. She also reported on her trip to San Diego, California, where she learned firsthand how that community faces its transportation needs. She discussed some of their strategies in utilizing tax dollars to fund public transportation.

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Mr. Burgett offered some comments concerning feedback he received after the last work session on the Dare Marina. He also reported that he had attended the ninth anniversary of the York Senior Citizens Center and mentioned he was astounded by the record of 14,000 visits to the center last year. He stated the Center had outgrown its current space and needed larger accommodations.

Chairman Zaremba reiterated that a decision had not been made by the Zoning Administrator regarding the Dare Marina expansion proposal. He thanked the York County Library Foundation, a group of citizens who acquire funds through fundraising activities to supplement what the Board provides in the library budget. He explained the Foundation contributed \$25,000 to the renovation of the Yorktown branch that is underway now, and stated the funds would be used for the purchase of computers and other technological advances. He also discussed plans for the Aviation World's Fair scheduled to take place at the Newport News-Williamsburg Airport in April of 2003.

CONSENT CALENDAR

Chairman Zaremba asked that Item No. 11 be removed from the Consent Calendar.

Mrs. Noll asked that Item No. 14 be removed from the Consent Calendar.

Mr. Burgett moved that the Consent Calendar be approved as amended, Item Nos. 8, 9, 10, 12, and 13, respectively.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 8. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

September 26, 2000, Adjourned Meeting
October 3, 2000, Regular Meeting
October 10, 2000, Adjourned Meeting
October 17, 2000, Regular Meeting
October 24, 2000, Adjourned Meeting

Item No. 9. APPROPRIATION OF DONATION FROM THE LIBRARY FOUNDATION FOR COMPUTERS IN THE YORKTOWN LIBRARY: Resolution R00-183.

A RESOLUTION TO ACCEPT AND APPROPRIATE A DONATION OF
\$25,000 FROM THE YORK COUNTY LIBRARY FOUNDATION FOR
THE PURCHASE OF COMPUTERS FOR THE YORKTOWN LIBRARY

WHEREAS, the York County Library Foundation has donated \$25,000 for the purchase of computers for the Yorktown Library;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000, that the County Administrator be, and hereby is, authorized to accept the donation given by the York County Library Foundation.

BE IT FURTHER RESOLVED that \$25,000 be, and hereby is, appropriated in the Capital Fund for the purchase of computers for the Yorktown Library.

Item No. 10. STREET ACCEPTANCES: Resolution R00-180 and Resolution R00-185.

Resolution R00-180:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE STREETS IN SHERWOOD FOREST
INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following streets, which are shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, have been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected these streets and found them to be acceptable for maintenance; and

WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 21st day of November, 2000, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the streets described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Sherwood Forest and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted November 21, 2000, the following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Sherwood Forest

Type of Change: Addition

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The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change:	Addition, New subdivision street
Pursuant to Code of Virginia Statute:	§33.1-229

Route Number and/or Street Name

Arrow Court, State Route Number 1639

Description: From: Rt 1604, Robin Hood Drive
 To: 0.06 mi south to end of cul-de-sac
 A distance of: 0.06 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
06/18/1998, Plat Book 12, Pages 589-594, with a
width of 50 ft

Robin Hood Drive, State Route Number 1604

Description: From: Rt 1577, Dogwood Drive
 To: 0.21 mi northeast to intersection of Rt 1639, Arrow
 Court
 A distance of: 0.21 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
06/18/1998, Plat Book 12, Pages 589-594, with a
width of 50 ft

Description: From: Rt 1639, Arrow Court
 To: 0.16 mi east to end of cul-de-sac
 A distance of: 0.16 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on
06/18/1998, Plat Book 12, Pages 589-594, with a
width of 50 ft

Resolution R00-185:

A RESOLUTION REQUESTING THE VIRGINIA DEPARTMENT OF
TRANSPORTATION TO INCLUDE A STREET IN TUE MARSH COVE
INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the following street, which is shown on a plat recorded in the Clerk's Office of the Circuit Court of York County, has been constructed to standards equal to the Virginia Department of Transportation's Subdivision Street Requirements as a requisite for acceptance for maintenance as part of the Secondary System of State Highways; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has inspected this street and found it to be acceptable for maintenance; and

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WHEREAS, the York County Board of Supervisors does hereby guarantee unencumbered rights of way, as described on the following Form SR-5A, plus the necessary easements for cuts, fills, and drainage for these streets;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 21st day of November, 2000, that the Virginia Department of Transportation be, and it hereby is, requested to add and maintain the street described on the following Form SR-5A as part of the Secondary System of State Highways, pursuant to Section 33.1-229, Code of Virginia, 1950 amended, and the regulatory requirements of VDOT.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the developer of Tue Marsh Cove and to the Resident Engineer of the Virginia Department of Transportation.

In the County of York

By resolution of the governing body adopted November 21, 2000, the following Form SR-5A is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

Report of Changes in the Secondary System of State Highways

Form SR-5A

Secondary Roads Division 5/1/99

Project/Subdivision

Tue Marsh Cove

Type of Change: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested, the right of way for which, including additional easements for drainage as required, is guaranteed:

Reason for Change: Addition, New subdivision street

Pursuant to Code of Virginia Statute: §33.1-229

Route Number and/or Street Name

Tue Marsh Lane, State Route Number 1189

Description: From: Rt 629, Dandy Loop Road

To: 0.07 mi east to end of cul-de-sac

A distance of: 0.07 miles.

Right of Way Record: Filed with the Clerk of the Circuit Court on 05/01/1992, Plat Book 11, Pages 417-418, with a width of 50 ft

Item No. 12. DONATION TO THE YORK COUNTY SHERIFF'S OFFICE: Resolution R00-182.

A RESOLUTION TO ACCEPT AND APPROPRIATE \$1,400 DONATED TO THE YORK COUNTY SHERIFF'S OFFICE TO ASSIST WITH THE PURCHASE OF BICYCLE EQUIPMENT

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WHEREAS, the Target Stores have donated \$1,400 to the York County Sheriff's office to assist with the purchase of bicycle equipment; and

WHEREAS, the Sheriff's office operates a nine-person bicycle-patrol unit to provide an array of community policing services; and

WHEREAS, the donation will be used to purchase two additional bicycles;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000, that the County Administrator be, and hereby is, authorized to accept the donation given by the Target stores.

BE IT FURTHER RESOLVED that \$1,400 be, and hereby is, appropriated in the General Fund to assist with the purchase of bicycle equipment for the York County Sheriff's office.

BE IT STILL FURTHER RESOLVED that additional funds received from donations for the bicycle-patrol unit of the York County Sheriff's office be, and hereby are, appropriated in the General Fund for support of the bicycle-patrol unit.

Item No. 13. PURCHASE AUTHORIZATION: Resolution R00-176.

A RESOLUTION TO AUTHORIZE CONSTRUCTION OF THE
BARCROFT SANITARY SEWER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Barcroft Sanitary Sewer Project	\$ 667,806

Item No. 11. REGIONAL ISSUES COMMITTEE – CORRIDOR BEAUTIFICATION (Route 199): Resolution R00-179. (Removed from the Consent Calendar)

Chairman Zarembo asked for further explanation of the Regional Issues Committee's efforts in this matter.

Mr. Cross stated the intent was to memorialize what was agreed among Williamsburg, James City County, and York County with regard to design standards and landscaping of highway corridors.

Chairman Zaremba then moved the adoption of proposed Resolution R00-179 which reads:

A RESOLUTION TO SUPPORT THE COOPERATIVE EFFORTS OF THE REGIONAL ISSUES COMMITTEE BY ENDORSING THE RECOMMENDATIONS REGARDING CORRIDOR BEAUTIFICATION ALONG THE ENTRY CORRIDORS LEADING FROM ROUTE 199 TO THE CITY OF WILLIAMSBURG INCLUDING THEIR INTERSECTIONS WITH ROUTE 199

WHEREAS, the Regional Issues Committee has studied areas of concern regarding the aesthetic qualities along the corridors leading into Williamsburg from Route 199; and

WHEREAS, the Regional Issues Committee, at its meeting of July 18, 2000, adopted a resolution recommending that the member localities of Williamsburg, James City County and York County undertake beautification efforts regarding landscape plantings, roadway and median edge maintenance, installation of uniform route number and road name signage, and the establishment of a program in cooperation with the Williamsburg Area Chamber of Commerce, to encourage private landowners to participate in beautification actions on their property; and

WHEREAS, the City of Williamsburg City Council and the James City County Board of Supervisors have approved resolutions endorsing the recommendations of the Regional Issues Committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st, day of November, 2000, that it does hereby express its support for the corridor beautification proposals of the Regional Issues Committee as stated in its resolution dated July 18, 2000.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

Item No. 14. COMMENDATION OF COUNTY EMPLOYEES: Resolution R00-181. (Removed from the Consent Calendar)

Mrs. Noll requested the Board amend Resolution R00-181 to award the employees two additional days off at Christmas rather than one. She explained the Governor was giving the State employees three combined days off during the holiday season. She stated she felt that staff had done a good job this year, and the Board should be generous and award the employees two additional days off.

Miss Rapp concurred with Mrs. Noll's suggestion to award two additional days off during the upcoming holiday. She felt it would be a nice, end of the year thank-you to the employees.

Mrs. Noll then moved the adoption of proposed Resolution R00-181(R) which would provide for two additional days off during Christmas season.

On roll call the vote was:

Yea: (2) Rapp, Noll
Nay: (3) Burgett, Wiggins, Zaremba

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Chairman Zaremba summarized a series of emails that were exchanged between the Board and the County Administrator and the fact that the emails were received before the Governor's announcement of the State's holiday schedule. The consensus of the Board in those emails was to grant one additional day off for a job well done. He stated there had been no further discussion between the Board members and the motion to amend was a surprise.

Mr. Burgett then moved the adoption of proposed Resolution R00-181 which reads:

A RESOLUTION TO EXPRESS THE APPRECIATION OF THE YORK
COUNTY BOARD OF SUPERVISORS TO THE EMPLOYEES OF YORK
COUNTY FOR DEDICATED AND LOYAL SERVICE DURING 2000 AND
TO AWARD THEM AN ADDITIONAL HOLIDAY

WHEREAS, the York County Board of Supervisors desires to acknowledge the outstanding performance of York County employees during 2000; and

WHEREAS, the Board of Supervisors desires to recognize the County staff at this special time of the year and to wish each one a happy and safe holiday season;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this 21st day of November, 2000, that all employees of York County be, and they are hereby, duly commended, and the heartfelt thanks of the Board of Supervisors is extended to them for dedicated and loyal service during the 2000 calendar year.

BE IT FURTHER RESOLVED that, in recognition of such service, Tuesday, December 26, 2000, be and it is hereby, granted as a holiday for all departments and agencies of the County of York.

Miss Rapp asked if the subject was a closed issue or if it could be revisited in the future.

Chairman Zaremba stated at this time they were voting on the resolution, and if the Board decided to revisit the issue in the future then it would be reconsidered.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

PUBLIC HEARINGS

APPLICATION NOS. ZM-52-00 AND UP-561-00, PYONG TUK KO

Mr. Timothy Cross, Senior Planner, made a presentation on Application Nos. ZM-52-00 and UP-561-00 to consider reclassification of a .7-acre parcel located at 601 Hampton Highway from R-20 (medium density single-family residential) to conditional NB (neighborhood business), subject to conditions voluntarily proffered by the property owner, and to consider approval of a special use permit authorizing the establishment of a Tae Kwon Do exercise/fitness center within an existing building located at 601 Hampton Highway. The Planning Commission considered the applications and forwarded them to the Board of Supervisors with a recommendation of approval.

Staff recommended approval of the applications through the adoption of proposed Ordinance No. 00-21 and proposed Resolution R00-178.

Chairman Zaremba then called to order a public hearing on Application Nos. ZM-52-00 and UP-561-00 which were duly advertised as required by law. Proposed Ordinance 00-21 and proposed Resolution R00-178 are entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING 0.7 ACRE LOCATED AT 601 HAMPTON HIGHWAY (ROUTE 134) FROM R20 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL) TO NB (NEIGHBORHOOD BUSINESS) SUBJECT TO THE CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. UP-561-00 FOR A USE PERMIT TO ESTABLISH AN EXERCISE FACILITY ON 0.7 ACRE OF PROPERTY LOCATED AT 601 HAMPTON HIGHWAY (ROUTE 134)

There being no one present who wished to speak concerning the subject applications, Chairman Zaremba closed the public hearing.

Mrs. Noll questioned whether graphic art should be permitted on the side of the building. She stated her preference would be to not have art on the building.

Mr. Cross stated that language would have to be added in Number 7 of the proposed resolution prohibiting graphic art, or it would be considered a sign.

Mr. Stuck stated the provision would have to be reworded to disallow graphic art on the building.

Miss Rapp asked if the owner would agree with the change.

Mr. Ko, the applicant, agreed to graphic art being prohibited on the side of the building.

A brief discussion followed regarding the signage issue.

Mr. Wiggins noted he felt the property would be best used for this type of facility and stated he was in favor of the application.

Mrs. Noll then moved the adoption of proposed Ordinance 00-21 which reads:

AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING 0.7 ACRE LOCATED AT 601 HAMPTON HIGHWAY (ROUTE 134) FROM R20 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL) TO NB (NEIGHBORHOOD BUSINESS) SUBJECT TO THE CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

WHEREAS, Riley B. Lowe has submitted Application No. ZM-52-00 which requests an amendment to the York County Zoning Map by reclassifying from R20 (Medium Density Single Family Residential) to NB (Neighborhood Business) a 0.7-acre parcel located at 601 Hampton Highway (Route 134) subject to conditions voluntarily proffered by the property owner. The parcel

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is located in the southeast quadrant of the intersection of Route 134 and Route 171 and is further identified as Assessor's Parcel No. 37-(24)-A; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board of Supervisors has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 21st day of November, 2000, that it does hereby approve Application No. ZM-52-00 to amend the York County Zoning Map by reclassifying from R20 (Medium Density Single Family Residential) to NB (Neighborhood Business) a 0.7-acre parcel located at 601 Hampton Highway (Route 134), further identified as Assessor's Parcel No. 37-(24)-A, subject to the following conditions voluntarily proffered by the property owner as set forth in the proffer statement signed by Riley B. Lowe and dated October 5, 2000:

The property shall not be used for the following land uses:

- a) Carryout Restaurant
- b) Convenience Store

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

Mrs. Noll then moved the adoption of proposed Resolution R00-178(R) which reads:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. UP-561-00 FOR A USE PERMIT TO ESTABLISH AN EXERCISE FACILITY ON 0.7 ACRE OF PROPERTY LOCATED AT 601 HAMPTON HIGHWAY (ROUTE 134)

WHEREAS, Pyong Tuk Ko has submitted Application No. UP-561-00 which requests a use permit, pursuant to Section 24.1-283 (Category 9, No. 2) of the York County Zoning Ordinance, to authorize establishment of an exercise facility on 0.7 acre of property located at 601 Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-(24)-A; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this, the 21st day of November, 2000, that Application No. UP-561-00 be, and it is hereby, approved to authorize the establishment of an exercise facility on the property located at 601 Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-(24)-A, subject to the following conditions:

1. This use permit shall authorize the establishment of an exercise facility on the property located at 601 Hampton Highway (Route 134) and further identified as Assessor's Parcel No. 37-(24)-A.
2. All off-street parking and loading space shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by landscaping, supplemented, as necessary, by appropriate fencing materials.
3. Outdoor lighting shall be directed away from property lines and rights-of-way and shall not cast objectionable glare on adjacent properties or streets. All external lighting, including security lighting, shall be full cutoff fixtures.
4. Existing trees on the site shall be retained as a buffer between the development and the Edgewood subdivision.
5. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to obtaining permits for site and building modifications.
6. Freestanding signage shall be limited to one (1) ground-mounted monument type sign.
7. No graphic art painted on the sides of the building shall be permitted.
8. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

APPLICATION NO. UP-562-00, TINA D. JUDSON

Mr. Cross made a presentation on Application No. UP-562-00 to consider approval of a special use permit authorizing a beauty salon as a home occupation within a single-family detached dwelling located at 302 Coach Hovis Drive. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R00-175.

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Chairman Zaremba then called to order a public hearing on Application No. UP-562-00 which was duly advertised as required by law. Proposed Resolution R00-175 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE A BEAUTY SALON AS A HOME OCCU-
PATION AT 302 COACH HOVIS DRIVE

Ms. Tina Judson, 302 Coach Hovis Drive, the applicant, thanked the Board for its consideration and explained her reasons for the application. She stated she would be able to stay home with her children and work from there.

Miss Rapp asked what the position of the homeowners' association was on the application.

Ms. Judson stated she had received a letter from the president of the homeowners' association indicating support of her application.

There being no one else present who wished to speak concerning the subject Resolution, Chairman Zaremba closed the public hearing.

Mrs. Noll asked about the two-year term limit Mr. Cross referred to regarding other home-based beauty salons. She asked if the two-year time limit was waived for the other locations.

Mr. Cross explained that the two-year time limit came into effect several years back when the zoning ordinance was amended to permit, with a use permit, home occupations which have non-resident employees. At that time, the Board included a clause that would limit, unless otherwise waived by the Board, a home occupation to two years, the idea being that once the owner starts hiring people, it's really going beyond a home business; and the Board felt that within two years the owner would know if the business had grown to where it needed a more appropriate location. Somewhere in time that clause came to apply to all home occupations permitted with a special use permit. Only one of the six beauty salons permitted as a home occupation by use permit is subject to the 2-year limit.

Mrs. Noll asked if they would be looking at that application after two years.

Mr. Cross confirmed that staff would be looking at the permit at that time.

Mrs. Noll then moved the adoption of proposed Resolution R00-175 which reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE A BEAUTY SALON AS A HOME OCCU-
PATION AT 302 COACH HOVIS DRIVE

WHEREAS, Tina D. Judson has submitted Application No. UP-562-00 requesting a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty salon as a home occupation within a single-family detached dwelling on property located at 302 Coach Hovis Drive and further identified as Assessor's Parcel No. 38-(10)-5-71; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board of Supervisors has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of November, 2000, that Application No. UP-562-00 be, and it is hereby, approved to authorize a special use permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to establish a beauty salon as a home occupation within a single-family detached dwelling on property located at 302 Coach Hovis Drive and further identified as Assessor's Parcel No. 38-(10)-5-71, subject to the following conditions:

1. This use permit shall authorize the establishment of a one (1)-chair beauty salon as a home occupation within a single-family detached dwelling on property located at 302 Coach Hovis Drive and further identified as Assessor's Parcel No. 38-(10)-5-71.
2. The conduct of such home occupation shall be limited to an area within the existing home not to exceed 150 square feet.
3. The home occupation shall be conducted in accordance with the provisions of Sections 24.1-281 and 24.1-283(b) of the York County Zoning Ordinance, except as modified herein.
4. No person other than individuals residing on the premises shall be engaged on the premises in the home occupation.
5. The days and hours of operation shall be limited to three (3) days a week, Monday through Saturday, from 9:00 AM to 5:00 PM.
6. No more than one (1) customer at any one time shall be served within the applicant's home.
7. Retail sales on the premises shall be limited to incidental sales of shampoo, conditioning, and other hair care products.
8. No signs or other forms of on-premises advertisement or business identification visible from outside the home shall be permitted.
9. In accordance with the terms of the Zoning Ordinance, at least one (1) off-street parking space shall be provided on the premises to accommodate clients. This space shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.
10. Notwithstanding the provisions of Section 24.1-283(g) of the Zoning Ordinance, this use permit shall be subject to the use permit term limits set forth in Section 24.1-115(c)(2).
11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

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Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

AMENDMENT TO YORK COUNTY CODE: LIBRARY BOARD

Mr. Barnett made a presentation on proposed Ordinance No. 00-19 to repeal Chapter 13, Library, of the York County Code, and add a new Article V, "Library Board," to Chapter 2 for the purpose of continuing the existence of the York County Library Board. His recommendation was that the Board repeal Chapter 13 in its entirety and adopt in its place a new Section 2-51 which establishes and states the qualifications for members of the Library.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 00-19 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO REPEAL CHAPTER 13, LIBRARY, YORK COUNTY CODE, AND TO ADD A NEW ARTICLE V, "LIBRARY BOARD," SEC. 2-51, TO CHAPTER 2, ADMINISTRATION, FOR THE PURPOSE OF CONTINUING THE EXISTENCE OF THE YORK COUNTY LIBRARY BOARD

There being no one present who wished to speak concerning the subject Ordinance, Chairman Zaremba closed the public hearing.

Chairman Zaremba asked why members were to be appointed at-large instead of by district.

Mr. Barnett stated it was a statutory requirement in the State code.

Mrs. Noll then moved the adoption of proposed Ordinance No. 00-19 which reads:

AN ORDINANCE TO REPEAL CHAPTER 13, LIBRARY, YORK COUNTY CODE, AND TO ADD A NEW ARTICLE V, "LIBRARY BOARD," SEC. 2-51, TO CHAPTER 2, ADMINISTRATION, FOR THE PURPOSE OF CONTINUING THE EXISTENCE OF THE YORK COUNTY LIBRARY BOARD

BE IT ORDAINED by the York County Board of Supervisors this 21st day of November, 2000, that Chapter 13 of the York County Code, "Library" is hereby repealed, and that a new Article V, "Library Board," section 2-51 is hereby added to Chapter 2, Administration, of the County Code and is hereby adopted, as follows:

Chapter 2

ADMINISTRATION

* * *

ARTICLE V. LIBRARY BOARD

Sec. 2-51. Established; composition; qualifications; appointment and terms of members.

There is hereby established, pursuant to Chapter 2 of Title 42.1 of the Code of Virginia, a board, to be known as the York County Library Board of Trustees. The County's library system, including such branches and substations as may be established, shall be under the control and management of the library board, except that any library buildings shall continue to be owned by the board of supervisors. The library board may contract with the board of supervisors for the provision of such administrative and financial support as both boards deem appropriate. Such board shall consist of five (5) members, who shall be qualified voters of the county and shall be selected from the county at large by the board of supervisors. Three (3) of the members of the board first appointed shall serve for terms of one (1) year, two (2) years and three (3) years, and two (2) of the members shall serve for terms of four (4) years. Subsequent appointments shall be for terms of four (4) years each. The members of the board shall serve without compensation, but shall be reimbursed for necessary expenses actually incurred. The term of office of the members first appointed shall begin on January 1, 1977. The members shall hold office during their respective terms and until their successors are elected and qualified. Vacancies on the board shall be filled by the board of supervisors for the remainder of the unexpired term.

BE IT FURTHER ORDAINED that this ordinance shall take effect upon adoption.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

AMENDMENT TO YORK COUNTY CODE: MOTOR VEHICLE LICENSES

Mr. Barnett made a presentation on proposed Ordinance No. 00-20 to amend Section 15-23(d) of the York County Code to allow owners of newly purchased motor vehicles 30 days to procure a County motor vehicle decal.

Chairman Zaremba then called to order a public hearing on proposed Ordinance No. 00-20 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-23 (d), APPLICATION FOR LICENSE AND PAYMENT OF FEE, YORK COUNTY CODE, TO ALLOW OWNERS OF NEWLY PURCHASED MOTOR VEHICLES THIRTY (30) DAYS TO PROCURE A COUNTY MOTOR VEHICLE DECAL

There being no one present who wished to speak concerning the subject Ordinance, Chairman Zaremba closed the public hearing.

Miss Rapp moved Ordinance No. 00-20 which reads:

AN ORDINANCE TO AMEND SECTION 15-23 (d), APPLICATION FOR LICENSE AND PAYMENT OF FEE, YORK COUNTY CODE, TO ALLOW OWNERS OF NEWLY PURCHASED MOTOR VEHICLES THIRTY (30) DAYS TO PROCURE A COUNTY MOTOR VEHICLE DECAL

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BE IT ORDAINED by the York County Board of Supervisors this 21st day of November, 2000, that section 15-23 (d), Application for license and payment of fee, York County Code, be and it is hereby amended to read and provide as follows:

Sec. 15-23. Application for license and payment of fee.

* * *

- (d) Every purchaser of a new or used motor vehicle, trailer or semi-trailer which normally will be garaged, stored or parked in the county shall have thirty (30) days from the date of purchase to procure a county motor vehicle decal.

This ordinance shall take effect upon its adoption.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

CONVEYANCE OF WATERLINE EASEMENT

Mr. Barnett made a presentation on proposed Resolution R00-187 to authorize the execution of a deed conveying a waterline easement to the City of Newport News in connection with the Penniman Road water main improvement project.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-187 which was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A DEED CONVEYING A WATERLINE EASEMENT TO THE
CITY OF NEWPORT NEWS IN CONNECTION WITH THE PENNIMAN
ROAD WATER MAIN IMPROVEMENT PROJECT

There being no one present who wished to speak concerning the subject Resolution, Chairman Zaremba closed the public hearing.

Mr. Wiggins then moved the adoption of Resolution R00-187 which reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE A DEED CONVEYING A WATERLINE EASEMENT TO THE
CITY OF NEWPORT NEWS IN CONNECTION WITH THE PENNIMAN
ROAD WATER MAIN IMPROVEMENT PROJECT

WHEREAS, the County has previously approved the construction of a project known as the Penniman Road Water Main Improvement Project; and

WHEREAS, in connection with such project, it is necessary for the County to convey to the City of Newport News a water main easement containing approximately 340 sq. ft. located on property owned by the County adjacent to Government Road, and identified among the County's tax maps as Tax Map Parcel 11-76; and

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WHEREAS, this matter has been duly advertised for a public hearing pursuant to Code of Virginia § 15.2-1800; and

WHEREAS, this Board desires to authorize the conveyance of the easement to the City of Newport News;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000, that the County Administrator be, and he hereby is, authorized and directed to execute a deed of easement conveying a water main easement as described herein to the City of Newport News, such deed to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

VACATION OF DRAINAGE & SANITARY SEWER EASEMENTS – ROUTE 17 WAL-MART

Mr. Barnett made a presentation on proposed Resolution R00-193 to authorize the execution of a deed vacating portions of existing drainage and utility easements and a sanitary sewer easement.

Chairman Zaremba then called to order a public hearing on proposed Resolution R00-193 which was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED VACATING PORTIONS OF EXISTING DRAINAGE AND UTILITY EASEMENTS AND A SANITARY SEWER EASEMENT

There being no one present who wished to speak concerning the subject Resolution, Chairman Zaremba closed the public hearing.

Mrs. Noll then moved the adoption of Resolution R00-193 which reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED VACATING PORTIONS OF EXISTING DRAINAGE AND UTILITY EASEMENTS AND A SANITARY SEWER EASEMENT

WHEREAS, the development of a Wal*Mart store at the corner of Route 17 and Victory Boulevard in York County requires the vacation of existing drainage, utility, and sanitary sewer easements across parcels owned by OverYork, L.L.C., and/or LH of Virginia, L.L.C., contemporaneously with the dedication of substitute easements by the property owners; and

WHEREAS, this Board desires to cooperate with the requested easement vacation and rededication;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000, that the County Administrator be, and he hereby is, authorized to execute a deed vacating portions of certain drainage and utility easements and a portion of an existing sanitary sewer easement, provided that OverYork, L.L.C. and LH of Virginia, L.L.C. shall

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contemporaneously dedicate to the County substitute easements, all as shown on a plat attached to a memorandum from the County Attorney dated November 7, 2000, and provided further that such deed be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

UNFINISHED BUSINESS

AUTHORIZATION TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR THE YORKTOWN CAPITAL IMPROVEMENT PROGRAM

Mr. Stuck provided the Board with some updated information concerning the Professional Services Agreement for the Yorktown Capital Improvements Program. He indicated Mr. Kraus was available should the Board have questions.

Mr. Kraus made available to the Board a chart indicating the fees incurred by the Department of General Services with respect to consultants hired. The chart reflected fees during the last ten-year period.

Mr. Wiggins stated that after discussions with Mr. Kraus he no longer had questions about the issue and was in favor of the agreement.

Mr. Burgett appreciated the memorandum he received from Mr. Kraus which answered the questions he had on the issue.

A brief discussion followed on the process of securing contract fees.

Chairman Zaremba thanked Mr. Kraus for his thorough memorandum and the presentation of the data.

Mr. Burgett then moved the adoption of proposed Resolution R00-172(R) which reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT FOR THE YORKTOWN CAPITAL IMPROVEMENTS PROGRAM

WHEREAS, the Board has adopted a Yorktown Capital Improvements Program; and

WHEREAS, it is the policy of the Board of Supervisors that all procurement of goods and services by the County involving expenditures over \$30,000 or more be submitted to the Board for its approval; and

WHEREAS, it is the desire of the Board to authorize the County Administrator or his designee to execute a professional services agreement and future addenda for architectural, engineering, and consulting services that are needed for projects in the Yorktown Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000, that the County Administrator be and is hereby authorized to execute a three-year professional services agreement, to include future addenda to said agreement, in a form that is approved by the County Attorney with Carlton Abbott, and Partners, P.C., without further action by this Board, provided that said agreement and all addenda do not exceed funds available for said purpose approved by the Board of Supervisors as set forth in the approved Yorktown CIP.

On roll call the vote was:

Yea: (5) Rapp, Noll, Wiggins, Burgett, Zaremba
Nay: (0)

NEW BUSINESS

REQUESTS FOR ALLOCATION OF LODGING TAX REVENUES

Mr. Stuck made a presentation on the requests for allocation of lodging tax revenues for two projects. Those requests were from the Yorktown Fourth of July Celebration Committee and the Daughter's of the American Revolution (DAR).

Mr. Burgett asked Mr. Frye, representative of the Yorktown Fourth of July Celebration Committee, how the Committee raised money for the fireworks display.

Mr. Frye discussed the different fundraising projects in which the committee was involved. He stated its major contributor was BP Amoco; but since it has been sold, the Committee no longer has that generous sum of money and has to supplement those funds.

Mr. Burgett asked about the Committee establishing a budget for the next few years.

Mrs. Noll stated she hoped the business community was supporting the Fourth of July Celebration. She suggested the York County Business Association (YCBA) as a possible source of funding.

Discussion ensued regarding the fundraising events of the Committee.

Mr. Burgett commented that the celebrations were always terrific, and he was in favor of funding the committee.

Mr. Dave Meredith, representative of the Yorktown Fourth of July Celebration Committee, stated approximately 500 different businesses in the County were contacted, but with little success in terms of contributions.

Chairman Zaremba stated the grant request was for \$35,000, and the staff has recommended \$28,000. He asked what the Board would like to allocate.

Mr. Burgett stated he would support the full request of \$35,000 and wanted to make sure the committee had what it needed to put on the July 4th celebration.

Mr. Wiggins asked the committee representatives if the full amount was funded but not used, would they request a lesser amount next year.

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Both Mr. Frye and Mr. Meredith were in agreement with that suggestion.

Mrs. Noll stated she would like to contribute up to \$35,000 and give the committee a chance to raise some of the required funds.

Chairman Zarembo reiterated the Board's intention of contributing up to \$35,000 to the Fourth of July Celebration Committee and \$5,000 to the DAR.

Mrs. Noll requested the \$5,000 to the DAR be a matching grant since the State offers the money as a matching grant.

Mr. Stuck stated that letters would be prepared allocating \$5,000 to the DAR and up to \$35,000 to the Fourth of July Celebration Committee with the stipulation that the \$35,000 grant will be reduced by the amount of any "excess" funds raised by the Committee.

By consensus the Board agreed to approve the allocations of the Lodging Tax Revenues as summarized by Mr. Stuck.

APPROPRIATION OF UNOBLIGATED FUNDS

Mr. Stuck made a presentation on proposed Resolution R00-184 to appropriate the General Fund Fiscal Year 2000 unobligated fund balance to the Capital Fund and to appropriate \$100,000 for the purchase of a knuckle boom truck for the yard debris collection program.

Mr. Wiggins noted that the drainage problems in the County could be lessened quicker if the knuckle boom truck was available.

Miss Rapp moved the adoption of proposed Resolution R00-184 which reads:

A RESOLUTION TO APPROPRIATE THE GENERAL FUND FISCAL
YEAR 2000 UNOBLIGATED FUND BALANCE TO THE CAPITAL FUND
AND TO APPROPRIATE \$100,000 FOR THE PURCHASE OF A
KNUCKLE BOOM TRUCK FOR THE YARD DEBRIS COLLECTION
PROGRAM

WHEREAS, the unobligated fund balance from fiscal year 2000 operations is \$1,666,094 and these funds do not represent recurring revenue and should be used for capital or other one-time expenditures; and

WHEREAS, the purchase of an additional knuckle boom truck for the Yard Debris Program will provide a back-up while the other trucks are down for maintenance and additional capacity for use during emergencies;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000 that \$1,566,094 be, and hereby is, appropriated in the General Fund for the transfer to the Capital Fund and that \$100,000 be, and hereby is, appropriated in the General Fund for the transfer to the Solid Waste Fund.

BE IT FURTHER RESOLVED that \$100,000 be, and hereby is, appropriated in the Solid Waste Fund for the purchase of a knuckle boom truck for the leaf collection program.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he hereby is, authorized to do all things necessary purchase of a knuckle boom truck without further action by this Board, provided that the total cost of said purchase shall not exceed the available funding.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

PROPOSED YORK HALL USE POLICIES

Mr. Stuck made a presentation on proposed Resolution R00-192 to adopt Board Policy BP00-18 to establish guidelines for the use of York Hall.

Chairman Zaremba asked how the Historical Committee would be able to utilize the building.

Mr. Carter stated it was one of the groups that are government-related and would be entitled to use the building. An outline had been prepared for the Board showing the various group uses and the criteria required for the building's use. He stated he would continue to meet with the groups interested in using space at York Hall.

Mr. Wiggins complimented Mr. Carter on his thorough proposal on the use of York Hall.

Mr. Burgett then moved the adoption of proposed Resolution R00-192 which reads:

A RESOLUTION TO ADOPT BOARD POLICY BP00-18 TO ESTABLISH GUIDELINES FOR THE USE OF YORK HALL

WHEREAS, the York County Board of Supervisors has determined that it is necessary to establish certain guidelines covering the use of York Hall by County and non-County users; and

WHEREAS, the Board has carefully considered the recommendations of the County Administrator for such guidelines as set forth in proposed Board Policy BP00-18 and has determined that approval of the proposal is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of November, 2000, that Board Policy Number BP00-18 be, and it is hereby, adopted to establish policies covering the use of York Hall.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

LEGISLATIVE PROGRAM FOR 2001

Mr. Barnett made a presentation regarding proposed Resolution R00-194 to approve the County's Legislative Program for 2001. He summarized the items contained in the 2001 Legislative

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Program which was divided into two parts—a Summary of Legislation Requested by the County, and a Summary of Legislative Policies.

Chairman Zaremba reminded the Board of its meeting with the Legislators on the morning of December 4 at the Duke of York. He asked the Board and Mr. Stuck to give some thought on how to conduct that meeting.

Mrs. Noll then moved the adoption of proposed Resolution R00-194 which reads:

A RESOLUTION APPROVING THE COUNTY'S 2001 LEGISLATIVE
PROGRAM

WHEREAS, because of the applicability of Dillon's Rule in Virginia, York County is dependent upon the General Assembly to adopt specific enabling legislation in many instances in order to enable the County to provide efficient and effective services and government to its citizens; and

WHEREAS, the County has developed a Legislative Program for the consideration of the 2001 session of the General Assembly which outlines certain legislative policies which the Board believes ought to guide the General Assembly and proposes certain legislation that would benefit the County; and

WHEREAS, the Board has carefully considered its legislative program, and believes that it is in the best interests of the citizens of York County;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of November, 2000, that this Board hereby approves the County's 2001 Legislative Program, and commends it to the County's representatives in the General Assembly for action.

BE IT FURTHER RESOLVED that copies of this Resolution and the County's 2001 Legislative Program be forwarded to the County's elected representatives to the General Assembly.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

APPLICATION UP-523-97 FAIRFIELD COMMUNITIES. INC.

Mr. Stuck made a presentation on proposed Resolution R00-177 to approve a minor amendment to Application No. UP-523-97 to authorize the deletion of a public nine-hole golf course and to approve redesigned resort amenities and building locations.

Mr. Cross elaborated on the proposed changes. He stated the original use permit did not include the pitch and putt golf course as an amenity; it was later amended to include the golf course. Another proposed change is to relocate a maintenance building to the rear of the property. The applicant has proposed to replace nine two-story buildings with six three-story buildings. The applicant has also proposed to redesign the recreational amenities by relocating three outdoor pools and reducing the size of the smaller and increasing the size of the lake. He stated staff recommended approval of the proposed changes.

Mrs. Noll asked how many units had been sold with the proposed golf course as part of the package.

Mr. Cross indicated 7.7 percent of the total project had been sold through October 31, 2000. He further stated that Fairfield felt it would be a more viable project if they removed the golf course and that the course had not been marketed as something that would definitely be constructed.

Chairman Zaremba stated that previously the Williamsburg Area Chamber of Commerce felt that amenities such as golf courses were an attraction to the resort area. He asked if the Chamber had offered any comments on the issue.

Discussion followed concerning the pitch and putt golf course.

Mr. Jim Noel, Director of the Office of Economic Development, stated the pitch and putt concept golf course was not what the Chamber was looking at as part of a golf strategy.

Chairman Zaremba proposed that the matter be tabled at this time.

Mr. Ted Hunter, Planning Manager with Fairfield Communities, stated he was not involved with the project when the golf course was added. He stated that after Fairfield conducted an analysis, it was concluded that the golf course was going to be a struggle economically.

Chairman Zaremba asked Mr. Hunter if he minded if the matter was tabled until the County received some feedback from the Williamsburg Area Chamber of Commerce.

Mr. Hunter stated he hoped the Board would not table the issue. He stated Fairfield had proceeded with the first phase of construction and was working and moving forward with a lot of development and design at this time.

Miss Rapp explained the property belonged to Fairfield Communities, and she felt the type of golf facility planned would not be a big attraction to the facility. She stated she would vote no to tabling the matter.

Mrs. Noll agreed with Miss Rapp, stating she felt the Chamber would be in agreement with the new plan. She did not feel it was necessary to go to the Chamber when the property was located in York County.

Chairman Zaremba stated he felt it was conjecture whether it was an amenity and whether it could serve the community. He indicated he still wanted to find out the Chamber's position on the matter.

Chairman Zaremba then moved to table proposed Resolution R00-177.

On roll call the vote was:

Yea:	(3)	Wiggins, Burgett, Zaremba
Nay:	(2)	Rapp, Noll

CLOSED MEETING. At 9:59 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to

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Boards and Commissions; Section 2.1-344(a)(7) pertaining to a matter of actual litigation and consultation with legal counsel.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Burgett, Rapp, Zaremba
Nay: (0)

Meeting Reconvened. At 10:23 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF
INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of November, 2000, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Wiggins, Burgett, Rapp, Noll, Zaremba
Nay: (0)

APPOINTMENT TO THE YORK COUNTY BOARD OF ZONING/SUBDIVISION APPEALS

Mr. Wiggins moved the adoption of proposed Resolution R00-174 which reads:

A RESOLUTION TO RECOMMEND THE APPOINTMENT OF AN
INDIVIDUAL TO THE YORK COUNTY BOARD OF ZON-
ING/SUBDIVISION APPEALS

WHEREAS, the term of Leroy J. Hill on the York County Board of Zoning/Subdivision Appeals expires on December 31, 2000; and

WHEREAS, Mr. Hill was first appointed to the Board of Zoning/Subdivision Appeals on April 2, 1980; and

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WHEREAS, Mr. Hill is eligible for reappointment to said Board and has indicated he wishes to serve another term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 21st day of November, 2000, that Susan J. DeMeno be, and she hereby is, recommended for appointment to the York County Board of Zoning/Subdivision Appeals, such term to begin January 1, 2001 and expire December 31, 2005.

On roll call the vote was:

Yea: (5) Burgett, Rapp, Noll, Wiggins, Zaremba
Nay: (0)

Meeting Adjourned. At 10:25 p.m. Chairman Zaremba declared the meeting adjourned to 6:30 p.m., Tuesday, November 28, 2000, in the library, Grafton High School, for the purpose of conducting a joint work session with the school board.

Daniel M. Stuck, Clerk
York County Board of Supervisors

Walter C. Zaremba, Chairman
York County Board of Supervisors